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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

LIYONG LI,)	
XIAOMING WANG,)	No. C 07-3653 SBA
)	
Plaintiffs,)	
)	ANSWER
v.)	
)	
MICHAEL CHERTOFF, Secretary of the)	
Department of Homeland Security;)	
EMILIO T. GONZALEZ, Director of U.S.)	
Citizenship and Immigration Services;)	
ROBERT S. MUELLER, III, Director of Federal)	
Bureau of Investigation;)	
CHRISTINA POULOS, Regional Director of)	
California Service Center, U.S. Citizenship and)	
Immigration Services;)	
ALBERTO R. GONZALES, United States)	
Attorney General,)	
)	
Defendants.)	
_____)	

The Defendants hereby submit their answer to Plaintiffs' Petition for Hearing on Naturalization Application Under 8 U.S.C. § 1447(b).

1. Paragraph One consists of Plaintiffs' characterizations of the lawsuit to which no responsive pleading is required; however, to the extent a responsive pleading is deemed necessary, Defendants deny the allegations in this paragraph.

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PARTIES

2. Defendants admit the allegations in Paragraph Two. Defendants aver that Plaintiffs are improperly joined in this action, and that pro se plaintiffs may not represent other parties.

3. Defendants admit the allegations in Paragraph Three.

4. Defendants deny the allegations in Paragraph Four.

5. Defendants admit the allegations in Paragraph Five.

6. Defendants admit the allegations in Paragraph Six.

7. Defendants deny the allegations in Paragraph Seven.

JURISDICTION

8. Paragraph Eight consists of Plaintiffs' allegation regarding jurisdiction, to which no responsive pleading is required; however, to the extent a responsive pleading is deemed necessary, Defendants deny that this Court has jurisdiction under any of the provisions cited in Paragraph Eight.

VENUE

9. Paragraph Nine consists of Plaintiffs' allegations regarding venue, to which no responsive pleading is required.

CAUSE OF ACTION

10. Defendants admit the allegations in Paragraph Ten.

11. Defendants admit the allegations in Paragraph Eleven.

12. Defendants admit the allegations in Paragraph Twelve.

13. Defendants are without sufficient information to admit or deny the allegations in Paragraph Thirteen, and on that basis, deny the allegations therein.

14. Defendants are without sufficient information to admit or deny the allegations in Paragraph Fourteen, and on that basis, deny the allegations therein.

15. Defendants deny the allegation relating to Plaintiff Liyong Li because he has been naturalized. Plaintiff Xiaoming Wang's application remains pending.

16. Defendants deny the allegations in Paragraph Sixteen.

17. Defendants deny the allegations in Paragraph 17.

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PRAYER

18. Paragraph Eighteen consists of Plaintiffs' prayer for relief, to which no admission or denial is required; to the extent a responsive pleading is deemed to be required, Defendants deny this paragraph.

FIRST AFFIRMATIVE DEFENSE

The Court lacks jurisdiction over the subject matter of this action.

SECOND AFFIRMATIVE DEFENSE

The Complaint fails to state a claim against the Defendants upon which relief can be granted.

THIRD AFFIRMATIVE DEFENSE

No acts or omissions by the United States or its employees were the proximate cause of any injury or damages to the Plaintiffs.

FOURTH AFFIRMATIVE DEFENSE

At all times alleged in the complaint, Defendants were acting with good faith, with justification, and pursuant to authority.

FIFTH AFFIRMATIVE DEFENSE

The Defendants are processing the application referred to in the Complaint to the extent possible at this time. Accordingly, no relief as prayed for is warranted.

WHEREFORE, Defendants pray for relief as follows:

That judgment be entered for Defendants and against Plaintiffs, dismissing Plaintiffs' Complaint with prejudice; that Plaintiffs take nothing; and that the Court grant such further relief as it deems just and proper under the circumstances.

Date: October 17, 2007

Respectfully submitted,

SCOTT N. SCHOOLS
United States Attorney

/s/

MELANIE L. PROCTOR
Assistant United States Attorney
Attorneys for Defendants